

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1193

BARBARA J. WINGATE; STEPHANIE D. WINGATE;
TRACY A. WINGATE,

Plaintiffs - Appellants,

versus

WAL-MART STORE #630; ROBERT BROWNING,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Senior District Judge. (CA-02-2861-4-12; CA-02-4114-4-12; CA-02-4115-4-12)

Submitted: July 15, 2004

Decided: July 20, 2004

Before MOTZ, KING, and GREGORY, Circuit Judges.*

Dismissed by unpublished per curiam opinion.

Barbara J. Wingate, Stephanie D. Wingate, Tracy A. Wingate, Appellants Pro Se. Ronald Barton Diegel, Adam Joseph Neil, MURPHY & GRANTLAND, PA, Columbia, South Carolina, for Appellees.

*Judge Motz did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellants appeal the district court's order accepting the recommendation of the magistrate judge and dismissing their state tort action. We have reviewed the record and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis and dismiss on the reasoning of the district court. See Wingate v. Wal-Mart Store #630, Nos. CA-02-2861-4-12; CA-02-4114-4-12; CA-02-4115-4-12 (D.S.C. Dec. 18, 2003). We deny Appellants' "Motion for Stay of Action on Appeal and Change of Venue." We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED